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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,588

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Karl Lu

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EXAMINER

INGBERG, TODD D

ART UNIT

PAPER NUMBER

2193

MAIL DATE

DELIVERY MODE

07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,588	Applicant(s) LU, KARL	
	Examiner Todd Ingberg	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/14/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 14 have been examined.

Priority

1. Domestic priority to 60/531,277 dating to December 18, 2003 will be reviewed with each action.

Information Disclosure Statement

2. The Information Disclosure Statement filed March 29, 2004 has been considered.

Drawings

3. Drawings filed February 4, 2004 have been accepted.

Claim Objections

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 13 is dependent on claim 14 and needs to be renumbered. And Claim 14 is dependent on itself. Correction required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1 -4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. If Applicant is requested to clarify, correct or delete the term “ware” in claim 1.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitagawa (Kit)

USPN # 6,708,231 B1 issued March 16, 2004, filed August 12, 1999.

Claim 1

Kit anticipates a method for upgrading code of an appliance (Kit, Abstract) comprising: receiving signals from an interface circuit (Kit, col 3, lines 45 - 56); performing input/output decoding on said signals received by said interface circuit (Kit, col 3, lines 53-56); loading an upgraded application program from a source external of said appliance (Kit, Col 2, lines 30 - 36) to a volatile memory device upon a reception of a rewriting command (Kit, col 4, lines 56-65, Figure 2, #204); erasing an application ware stored in a nonvolatile memory device (Kit, col 1, lines 57 - 63); and writing the contents of said upgraded application program to said nonvolatile memory device (Kit, Col 4, lines 35-40) in accordance with said upgraded application program after erasing said application ware stored in said nonvolatile memory device (Kit, 2, #216, col 5, lines 29-31 and Kit, col 4, new firmware lines 56 – 63, update ;lines 63- 65).

Claim 2

The method for upgrading code of an appliance of claim 1, further comprising, determining said signals received by said interface circuit whether said rewriting command has been received (Kit, col 4, lines 56-65, Figure 2, #204).

Claim 3

The method for upgrading code of an appliance of claim 1 wherein said appliance is a DVD product. (Kit, col 1, line 15).

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Claim 4

The method for upgrading code of an appliance of claim 1, wherein said interface circuit is an ATAPI interface circuit. (Kit, col 3, line 25-27)

Claim 5

Kit anticipates a method for upgrading code of an appliance comprising: receiving signals from an interface circuit (See the rejection for claim 1) ; performing input/output decoding on said signals received by said interface circuit (Kit, Figure 2, #204 – decoding the signal) ; loading a first program stored in a first portion of a nonvolatile memory device to a volatile memory device upon reception of a restoring command (Kit, col 4, line 66 to Col 5, line 9); executing said first program loaded in said volatile memory device (Kit, col 5, lines 10 – 27; and loading a valid second program into said volatile memory device; wherein said valid second program is provided from a source external of said appliance (Kit, col 2, lines 30-36 see Figure 1, #102 Host Computer to Figure 2, #210, 202 and 204).

Examiner Interpretation

The Kit reference does not forbid the ability to reload the same update repeatedly, prior to execution. A possible test sequence to test the mechanism or testing for other purposes.

Claim 6

The method for upgrading code of an appliance of claim 5, further comprising, determining said signals received by said interface circuit whether said restoring command has been received. (Kit, Figure 2, #204)

Claim 7

The method for upgrading code of an appliance of claim 6, wherein said first program comprises an interface circuit driver and a file system code. (Kit, Figure 1, #106, Note the volatile and nonvolatile memory within the context of the Drive and Microcontroller)

Claim 8

The method for upgrading code of an appliance of claim 7, further comprising, initializing said interface circuit by executing said interface circuit driver; and executing said file system code. As per claim 7 and Claim 5.

Claim 9

The method for upgrading code of an appliance of claim 8, further comprising, loading an upgraded second program from a source external of said appliance to said volatile memory device upon reception of rewriting command (See the rejection for claim 1); erasing said second program stored in said second portion of said nonvolatile memory device (See the rejection for claim 1); writing the contents of said upgraded second program to said second portion of said nonvolatile memory device in accordance with said upgraded second program after erasing said second program stored in said second portion. (Kit, 2, #216, col 5, lines 29-31).

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Claim 10

The method for upgrading code of an appliance of claim 5, wherein said appliance is a DVD product. (Kit, col 1, line 15).

Claim 11

The method for upgrading code of an appliance of claim 5, wherein said interface circuit is an ATAPI interface circuit. (Kit, col 3, line 25-27)

Claim 12

A method for upgrading code of an appliance comprising, receiving signals from a ATAPI circuit; performing input/output decoding on said signals received by said ATAPI circuit (Kit, col 3, line 25-27) to determine whether a rewriting command has been received or a restoring command (See the rejection for claim 5) has been received; in the event of reception of said rewriting command , loading an upgraded second program to a volatile memory device, erasing a second program stored in a second portion of a nonvolatile memory device and writing the contents of said upgraded second program to said second portion of said nonvolatile memory device in accordance with said upgraded second program (Kit, 2, #216, col 5, lines 29-31); and in the event of reception of said restoring command (See the rejection for claim 1) , loading a first program stored in a first portion of a nonvolatile memory device to a volatile memory device upon a restoring application operation received, initializing interface circuit, executing file system, reading a valid second program through said ATAPI circuit (See the rejection for claim 1), loading said valid second program into said volatile memory device; wherein said valid second program is provided from an optical disk (see the rejection for claim 1).

Claim 13

The method for upgrading code of an appliance of claim 14, further comprising, checking a validity of said second program provided from said source external of said appliance; and when an invalid second program is provided, waiting for said valid second program. (Kit, Figure 2, #204, shows the signal handling. If not update the signal is handled by non update, Update section shows ready for valid commands and does not show an exception handler)

Claim 14

The method for upgrading code of an appliance of claim 14, wherein said nonvolatile memory device is a Flash memory device. (Kit, col 4, lines 3 – 6).

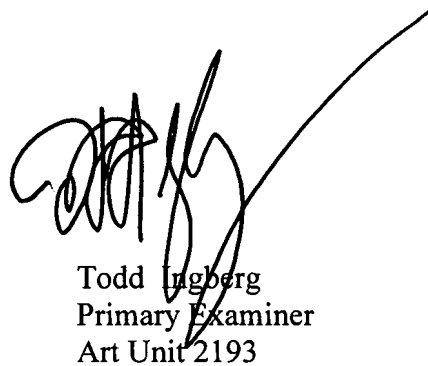
Correspondence Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd Ingberg
Primary Examiner
Art Unit 2193

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